



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OCT 07 2011

OFFICE OF
ENVIRONMENTAL CLEANUP

Mail Stop: ECL-111

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

George E. Northcroft Regional Administrator
General Services Administration (GSA)
Northwest/Arctic Region (10)
400 15th St. SW
Auburn, WA 98001

Re: Supplemental Request for Information Pursuant to Section 104(e) of CERCLA, for the Lower Duwamish Waterway Superfund Site "LDW Site", Seattle, Washington

Dear Mr. Northcroft:

The United States Environmental Protection Agency, Region 10 (EPA) continues to investigate the releases or threat of releases of hazardous substances associated with the LDW Site. EPA seeks your cooperation in this investigation.

EPA reviewed your response to the Request for Information dated April 23, 2009, and has additional and clarifying questions that are set forth in the enclosed Supplemental Information Request. This information will be used for the purposes of determining the need for response, or choosing or taking any response action at the LDW Site, and to identify potentially responsible parties for performing the cleanup.

EPA requests that you provide information and documents relating to Federal Center South (FCS) located at 4735 East Marginal Way S, Seattle, Washington, 98134. FCS is situated adjacent to the Duwamish River within the boundaries of the LDW Site. Sections 104(e) and 120(a) of CERCLA, 42 U.S.C. §§ 9604(e) and 9620(a), stipulate that you or your designee(s) respond to the Information Request enclosed with this letter by providing information relating to FCS. EPA expects that a reasonable effort will be made to locate relevant documents and information, and that your response to this request will be supplemented in the event that additional materials are discovered at a later time.

Please provide a complete response to the enclosed Information Request within sixty (60) days of your receipt of this letter. Your response to this Supplemental Information Request should be mailed to:

United States Environmental Protection Agency, Region 10

Aaron Lambert, Environmental Protection Specialist
Environmental Cleanup Office, ECL-111
1200 Sixth Ave. Suite 900
Seattle, Washington 98101

If you have questions concerning this letter or the LDW Site, please contact Aaron Lambert at (206) 553-5122. Any communication by any attorney on your behalf should be directed to Alexander Fidis, EPA Office of Regional Counsel, at (206) 553-4710.

Thank you for your cooperation in this matter.

Sincerely,



Patty McGrath, Unit Manager
Site Cleanup Unit #3
Office of Environmental Cleanup

Enclosures:

Supplemental Information Request
Definitions
Instructions
Declaration

cc: Dan Cargill, Ecology/NWRO
Kris E. Durmer, General Services Administration
Betsy Kruger, General Services Administration (Northwest/Arctic Region)
Letitia Grishaw, EDS Section Chief, Department of Justice
W. Benjamin Fisherow, Acting EES Section Chief, Department of Justice

U.S. EPA

CERCLA SECTION 104(e)

SUPPLEMENTAL INFORMATION REQUEST

Please note: This Supplemental Information Request includes instructions for responding to this request and definitions of words such as "Respondent" and "identify" used in the questions. Any references to specific question numbers refer to the First Information Request, dated April 23, 2009.

INFORMATION REQUEST QUESTIONS

1. Respondent Information

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
 - i. full name;
 - ii. title;
 - iii. business address; and
 - iv. business telephone number and FAX machine number.
- c. If Respondent wishes to designate an individual for all future correspondence concerning Federal Center South, indicate here by providing that individual's name, address, telephone number, and fax number.

2. FCS Activities and Interests

- a. Provide complete copies of the following reports including all associated appendices, figures, and attachments:
 - i. 2011, February 1. Re: Supplemental Environmental Investigation Results, Voluntary Cleanup Program, General Services Administration Federal Center South Property (VCNW 2177). Letter from Miguel Ortega, EHS – International, Inc. to Mark Adams, State of Washington Department of Ecology

- ii. 2011, February 1. Re: Discovered Environmental Liabilities Federal Center South Property. Letter from Miguel Ortega, EHS – International, Inc. to Mark Adams, State of Washington Department of Ecology
 - iii. 2011, January 7. United States General Services Administration, Federal Center South Monitoring Well FC9 Area, Supplemental Soil and Groundwater Sampling, Final Report. EHS – International, Inc.
 - iv. 2010, December 27. U.S. General Services Administration, Federal Center South, Groundwater Monitoring Assessment, November 2010 Event, Final Report. EHS – International, Inc.
 - v. 2010, October 12. U.S. General Services Administration, Federal Center South, Interim Soil Remediation and Site Assessment, Final Report. EHS – International, Inc.
 - vi. 2009, October 21. Re: Further Action at the following Site: US GSA Federal Center S. letter from Mark Adams, State of Washington Department of Ecology, to Migel Ortega, EHS – International, Inc.
- b. Provide all documents not previously provided in response to the initial Request for Information, or otherwise provided in response to this Supplemental Information Request, regarding environmental conditions of FCS. Environmental conditions of FCS includes information related to soil, sediment, water (ground and surface), and air quality, such as, but not limited to:
- i. All spills, leaks, releases, or discharges of a hazardous substance, waste, or material at or near FCS;
 - ii. Occurrences of violations, citations, deficiencies, and/or accidents concerning FCS;
 - iii. Remediation or removal of contaminated soils, sediments, or other media at FCS; and
 - iv. Investigations, inspections, sampling, and reports generated by Respondent and/or others regarding FCS and surrounding area.

3. **Compliance with This Request**

- a. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:

- i. the name and current job title of all individuals consulted;
- ii. the location where all documents reviewed are currently kept.

INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Supplemental Information Request.
2. Response Format and Copies. Provide the responses to this Supplemental Information Request and at least one copy of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive. Additionally, please clearly identify and segregate all information you determine to be Confidential Business Information (CBI).

If providing your response electronically, it must be submitted on a compact disc in Portable Document Format (PDF) and comply with the following requirements:

- a. CBI and personally identifiable information should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled and physically separated from the other response information in EPA's files.
 - b. The declaration must be provided in hard copy with an original signature.
 - c. All documents originally smaller than 11 by 17 inches can be submitted electronically; all documents originally larger than 11 by 17 inches must be submitted in hard copy.
 - d. Electronic PDF files cannot be submitted in Adobe Acrobat versions above 6 (or above PDF format version 1.5 if not using Adobe).
 - e. Electronic PDF files must be text-searchable.
 - f. The document index must clearly identify all single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.
 4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents.
 5. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.
 6. Protected Material. The information requested herein must be provided even though the Respondent may contend that it includes protected material or confidential information.

The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be protected or confidential should be contained on separate sheet(s) and should be clearly identified as "protected material" or "confidential."

Information covered by a protected material or confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice.**

7. Disclosure to EPA Contractor. Information submitted in response to this Supplemental Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Supplemental Information Request. If submitting information and asserting it is entitled to treatment as confidential business information, the Respondent may comment on EPA's intended disclosure within 14 days of receiving this Supplemental Information Request.
8. Personally Identifiable Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate sheet(s), and marked as "Personally Identifiable Information". Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
9. Objections. The Respondent must provide responsive information notwithstanding objections to certain questions.
10. Privilege. If a privilege is asserted for any document responsive to this Supplemental Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. **Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Supplemental Information Request must be disclosed in your response.**
11. Declaration. The Respondent must complete the enclosed declaration, certifying the accuracy of all statements in your response.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, *et seq.*, or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "Respondent" shall mean the addressee of this Request, together with the addressee's agents, employees, and contractors.
2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include, but not be limited to:
 - a. writings of any kind, including, but not limited to, all of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document.
 - b. all film, photographs, or sound recordings on any type of device;
 - c. all blueprints or drawings;
 - d. attachments to, or enclosures with, any document.
3. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.

4. The term "identify" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
5. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. **Alternatively**, Respondent may provide a complete copy of the document.
6. The term "material" or "materials" shall mean any and all raw materials, commercial products, wastes, chemicals, substances, or matter of any kind.
7. The "period being investigated" and "the relevant time period" shall mean the date of Respondent's first involvement at FCS to present.
8. The term "property" shall mean any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental, and mineral rights.
9. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, building debris and asbestos-containing material.
10. The term "business activities" shall mean all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of FCS, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.
11. The term "Federal Center South" or "FCS" shall mean all real property located at 4735 East Marginal Way S Seattle, WA 98134 or King County Parcel Numbers 3473200975 and 3573200520, and any building, structure, or appurtenance thereon.

4. The term "entity" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under which the entity was organized; and (e) a brief description of its business.
5. The term "identity" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number; any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance of the subject matter. Alternatively, Respondent may provide a complete copy of the document.
6. The term "material" or "materials" shall mean any and all raw materials, commercial products, wastes, chemical substances, or matter of any kind.
7. The "period being investigated" and "the relevant time period" shall mean the date of Respondent's first involvement at FCS to present.
8. The term "property" shall mean any interest in real or personal property, whatsoever, including fee interest, lease, license, rental, and mineral rights.
9. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or gaseous, including, but not limited to, building debris and asbestos-containing material.
10. The term "business activities" shall mean all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of FCS, including surveying, sampling, testing, documentation, photography, demolition, construction, and waste disposal, and sales.
11. The term "Federal Green South" or "FCS" shall mean all real property located at 4735 East Marginal Way S, Suite WA 98144 or King County Parcel Number 347300975 and 327300430, and any building, structure, or appurtenance thereon.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2011.

Signature

Type or Print Name

Title

Mailing Address:

George E. Northcroft Regional
Administrator
General Services Administration (GSA)
Northwest/Arctic Region (10)
400 15th St. SW
Auburn, WA 98001